

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2557 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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KANTILAL D SHAH

Versus

COMPETENT AUTHORITY

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Appearance:

MR RS SANJANWALA for Petitioners  
MR JAYANT PATEL for Respondent No. 1

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CORAM : MR.JUSTICE N.N.MATHUR  
Date of decision: 18/09/98

ORAL JUDGEMENT

By way of this Special Civil Application, the petitioner seeks direction not to proceed with the hearing of SAFEMA matters in pursuance of the notice dated 12.3.1997. Certain allegations have been made against Mr A K Mehta, the then Assistant Customs Collector, who was the competent authority at the time of filing of the petition. In view of the affidavit filed by Mr C B Nair, Inspecting Officer and also of Mr A K Mehta, competent authority under SAFEMA, it is not

necessary to go into the allegations made against Mr A K Mehta in this petition. It is also pointed out by Mr J N Patel, learned Standing Counsel for SAFEMA that Mr A K Mehta has been transferred and he is not the competent authority in the present matter. So far as the notice dated 12.3.1997 is concerned, the same is only a notice of hearing. Another notice is dated 12.3.1997 i.e. also with respect to the delivery of possession of the shop No.1-A. In the reply, Mr Nair has stated that with respect to the subject property, the order of forfeiture has already been passed. It is not necessary to look into all these in detail. The petitioner may avail appropriate remedy available under the law. This Special Civil Application is accordingly dismissed. Rule discharged. Interim relief is vacated.

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